UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/2000/148
7 April 2000

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Agenda item 9

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Letter dated 6 April 2000 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour and pleasure of enclosing herewith,* a letter from H.E. Mr. Zivadin Jovanovic, the Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia addressed to H.E. Mr. Robert R. Fowler, President of the United Nations Security Council for the month of April, concerning the brutal and terrorist-style arrest by SFOR troops of Momcilo Krajisnik, former Speaker of the Parliament of the Republika Srpska and member of the collective Presidency of Bosnia and Herzegovina.

I would like to ask you to have it issued as an official document of the Commission on Human Rights under agenda item 9.

(signed) Branko BRANKOVIC
Ambassador
Chargé d'affaires a.i.

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* The annex is reproduced as received, in English only.

ANNEX

Belgrade, 5 April 2000

Esteemed Mr. President,

The Yugoslav government and public have condemned most strongly the perfidious and disgraceful arrest of Momcilo Krajisnik, one of the most prominent leaders of the Serbian people in Bosnia and Herzegovina, carried out in a most brutal way in the night of 3. April 2000 by SFOR at the orders of the North Atlantic Treaty Organization (NATO). This arrest, carried out in a terrorist manner and Gestapo-style by using explosives to break into the house, and by intimidating and tying up the children is just the most recent and drastic instance in the series of the criminal, immoral and politically motivated NATO acts under the guise of the Hague Tribunal, aimed at frightening and enslaving the Serbian people.

Momcilo Krajisnik was not only Speaker of the Parliament of Republika Srpska elected at a democratic election by the will of the people, the outcome of which was confirmed also by the Organization for Security and Cooperation in Europe (OSCE), but was also a member of the collective Presidency of Bosnia and Herzegovina and the highest representative of Republika Srpska at the negotiations in Dayton. This brazen criminal act is all the more absurd as Momcilo Krajisnik never held an executive office except that, after the Dayton-Paris Agreement, he was elected a member of the Presidency of Bosnia and Herzegovina.

This insolent act has confirmed what the Government of the FR of Yugoslavia has pointed out ever since the establishment of the Tribunal - that this ad hoc body, in outright contravention of the principle of international criminal and humanitarian law, is not an institution of law and justice but a political creation in the function of the commission of genocide against the Serbian people. It does not act according to law and international law but according to the diktat of the US Administration, the aim of which is to impose hegemony and thought monopoly.

If indeed the Tribunal acted on the basis of justice and law, it would have, first and foremost, called to account the leaders of NATO and those who are responsible for the genocide aggression against the FR of Yugoslavia, carried out by way of the most flagrant violation of the Charter of the United Nations, international law, national laws of the member-States would have long indicted those leaders who ordered and managed the aggression against the FR of Yugoslavia, who ordered a ruthless bombardment of a sovereign country and an entire people without a precedent in the history of civilisation, who ordered the killing of thousands of innocent people, one third of whom were children and over four fifths civilians, the killing of patients in hospitals, destruction of hundreds of schools, a huge number of hospitals, maternity wards, refugee camps, systems of heating and transmission of electric power, television and radio stations, refineries, roads, bridges etc.

H.E. Mr. Robert R. Fowler
President
Security Council
United Nations
New York

In the situation when genocide against the Serbian people and other non - Albanian population in the Serbian province of Kosovo and Metohija takes place before the eyes of the international public, the Tribunal has not taken a single step in order to try to put an end to that protracted crime. The absence of prosecution and arrest of persons responsible for the genocide against the Serbs in Croatia during operations "Flash" and "Storm", as well as in Bosnia and Herzegovina at the time of civil war, is deliberate encouragement to new crimes against Serbs since it demonstrates that they can be carried out with impunity. Even by the self-same criminals that acquired the criminal experience in Krajina and other parts of the former Yugoslavia.

World renowned legal experts have passed their assessment that the Tribunal is not based on the Charter of the United Nations since there exists no legal basis for establishing a judicial organ as an auxiliary body of the Security Council. All international courts are set up exclusively by agreement. That the Tribunal was set up for political goals, for manipulating the international public is most glaringly evident if the rules of procedure of the Tribunal and the Permanent International Criminal Court are compared, particularly with respect to the position of the Prosecutor. The rules applied by the Tribunal in its procedure do not exist in any modern legal system. No legal system recognizes the so-called "secret indictments". The prosecution policy pursued by the Prosecutor of the Tribunal shows that the Tribunal has been politically instrumentalized by the Administration of the United States and the countries of NATO. More than two thirds of the arrestees and indictees are Serbs, including the highest ranking political and military officials of Republika Srpska, who have been charged even with the most serious crimes and who alone are being arrested in a brutal way. The work of the Prosecutor and the Tribunal thus far has demonstrated in a clear way that the US creators of the Tribunal have sought to impose at all costs the impression of the responsibility of the Serbs for the civil war in the former Yugoslavia and to conceal in that way their own responsibility for atrocities. The Tribunal is a mechanism for fabricating a justification for the aggression against the Federal Republic of Yugoslavia and the genocide against the Serbian people.

The Tribunal shows no legal, political or moral responsibility for its work. This is reflected, inter alia, in the killing of Serbs during arrests (Simo Drljaca, Dragan Gakovic) and an inhumane attitude towards the arrestees (the tragic loss of life of Slavko Dokmanovic and Milan Kovacevic in the prison at The Hague).

The Federal Republic of Yugoslavia, as a party signatory and a guarantor of the Dayton-Paris Agreement, stresses that these activities of the Tribunal represent a drastic violation of the letter and substance of the Agreement, the Charter of the UN, the Universal Declaration of Human Rights and international law in general, whereby peace and security not only in Bosnia and Herzegovina, but also in the entire region, is brought into question. Proceeding from the afore-mentioned, the FR of Yugoslavia calls on the Security Council to abolish the Hague Tribunal without delay as a creation without a legal grounding. The records kept by that quasi-judicial institution should be forwarded to regular courts of the member-States of the United Nations for the purpose of being acted upon in accordance with their internal laws, each and every member-State without exception providing for severe punishment of war crimes.

Specifically, the FR of Yugoslavia requests that Momcilo Krajisnik and all other persons indicted and arrested without a legal grounding be released immediately.

Please accept, Mr. President, the assurances of my highest consideration,

Zivadin Jovanovic
(Signed)